THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO.2932 OF 2006

DATED: 23-02-2006

BETWEEN:

S. Hanok, S/o. S. Johan

And three others … Petitioners

and

The Mandal Revenue Officer

Kurnool Mandal, Kurnool and another … Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 2932 OF 2006

ORDER:

Petitioners filed this writ petition seeking to declare the action of the 1st respondent in not passing any orders on the proceedings initiated on 14-07-2005 as illegal and arbitrary.

Heard the learned counsel appearing for the petitioners and the learned Government Pleader for the respondents and perused the material on record.

Learned counsel for the petitioners submitted that some of the residents of Saibaba Sanjeevaiah Nagar, Kurnool along with the petitioners made a representation dated 12-07-2005 to the Mandal Revenue Officer, Kurnool, 1st respondent herein, which was received in Rc.No.737/2005. In the said representation, the petitioners represent that they are poor Dalit Christians and they

have purchased the house Nos.41/76S, 41/77S, for the purpose of constructing a prayer hall, but the said houses were got registered in the name of 2nd respondent at the instance of their paster Ananda Rao. There were certain disputes between the paster Ananda Rao and the 2nd respondent-R.D.K.B. Issaiah, who is the superior officer of the said Ananda Rao and in that connection, police also registered a case and arrested the 2nd respondent. As the conduct of said R.D.K.B. Issaiah was not good and as per bye-laws, the society has demanded that said Issaiah shall not conduct prayers. Taking advantage of registered documents of the houses, 2nd respondent was threatening the petitioners and other residents of Saibaba Sanjeevaiah Nagar for construction of the prayer hall. On the said representation, the Mandal Revenue Officer, Kurnool issued a notice dated 13-07-2005 to the second respondent and some others namely Ananda Rao, Samuel, Jayakumar, B. Bhaskar and B. Rajasekhar etc., stating that the pattas for house sites in respect of the house numbers 41/775 and 41/5 were given to the landless poor, but the said houses are being used for the prayer hall at the instance of Ananda Rao and Jayakumar, the same has been registered in the name of second respondent, and the allottees and 30 others of the locality of the said houses represented that the said house sites were illegally obtained from them by the 2nd respondent and in that regard, for conducting enquiry, directed them to appear before him on 21-07-2005. The grievance of the petitioners is that having issued a notice, no action has been taken by the Mandal Revenue Officer. If the land is alloted to the landless poor, any conversion of the said land that being the assigned land is illegal and arbitrary and against the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977.

Having regard to the facts and circumstances of the case, the first respondent is directed to take appropriate action under the relevant provisions of the Act for the contravention of the assignment of the house site pattas given to the landless poor after giving reasonable opportunity to all the concerned within eight weeks from the date of receipt of a copy of this order.

Accordingly, writ petition is disposed of. No costs.

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V. ESWARAIAH, J.

Dated: 23-02-2006

RNS